Veterans who prove that they were disabled while under the care of Veterans Affairs should be compensated from the day of their injury regardless of their date of application.

This bill will repeal U.S. Code Section 5110 which allows Veterans Affairs to avoid its responsibility to veterans it disables during treatment or vocational rehabilitation. H.R. 5474 also allows veterans who did not receive full and fair compensation from the date of their injury to receive this compensation upon enactment of this bill.

I urge my colleagues to end this unfair practice by cosponsoring H.R. 5474.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

SPEECH OF

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. COMBEST. Mr. Speaker, as the Chairman of the House Committee on Agriculture, which has primary jurisdiction over the Secure Rural Schools and Community Self-determination Act of 2000 (H.R. 2389), I rise on behalf of myself and Mr. STENHOLM, the ranking member of the committee, to explain the intent behind a number of provisions in the bill and how we expect these provisions to be carried out. We will address these roughly in the order in which they appear in the bill.

Sections 101(a), 102(a), 102(b) and 102(c) of Title I provide how payments to states and allocations to the counties within those states should be calculated and made under this Act. The intent behind these provisions is to ensure that each county's elective share of a state's full payment amount be based, to the extent practicable, on the county's historic percentage of the 25% payments received by the state during the eligibility period. Thus, if over the course of the eligibility period a county received 10% of the aggregate payments made to the state, that county would be allocated 10% of the amount calculated for the state under section 101(a) if the county elected to receive its full payment amount.

It is understood that there will be exceptions to this general rule based on the individual circumstances of states and counties. Congress has been careful to delegate the determination of each county's portion of a state's full payment amount to the state to accommodate these exceptions. It is expected, however, that such exceptions will be relatively rare and the reasons for them compelling.

Title II of the bill establishes a significant new role for counties and local stakeholders in federal land management decision-making. It is essential to explain several provisions in this Title to ensure that it is carried out in a way that will meet the intended policy objectives.

The overarching intent of Title II is to foster local creativity and innovation with regard to the projects that participating counties and resource advisory committees propose to the Secretary. This necessarily requires the Secretary concerned to flexibly construe the provisions in this title. It is understood that not every project proposed by resource advisory committees will succeed. It is expected, however, that participating counties and resource advisory committees be given every opportunity, within the parameters of existing law, to make their ideas work.

Section 202 establishes a general limitation on the use of project funds to ensure that such funds are used on projects that meet ''resource objectives consistent with the purposes of this Title.'' This provision is further explained by subsection 203(c), which states that projects submitted to the Secretary under this title ''shall be consistent with section 2(b).'' Thus, projects conducted under Title II are permissible provided they meet the objectives identified in section 2(b).

A similar dynamic exists between sections 204(f) and 203(c). Section 204(f) requires that 50% of all Title II project funds be used for road maintenance, decommissioning or obliteration or for the restoration of streams and watersheds. It is expected that these requirements be construed to include a broad range of projects that are consistent with the requirements of section 2(b), as provided by section 203(c). For example, a forest thinning project that meets the requirements of section 2(b) would also meet the requirements of section 204(f) if its purpose were to restore the vegetation within a watershed to a more fire-resistant state.

Section 203(a)(1) provides that resource advisory committees must submit project proposals to the Secretary concerned ''not later than September 30 for fiscal year 2001 and each September 30 thereafter for each succeeding fiscal year through fiscal year 2006. This provision is reiterated in section 207(a). The relationship between the participating county and the resource advisory committee under these provisions is significant to the policy objectives that these provisions seek to achieve.

It is intended that the participating county and the resource advisory committee come to an agreement on the projects to be undertaken prior to submission of such projects to the Secretary concerned. It is for this reason that the date by which the county must elect whether to reserve project funds for Title II projects and the date by which the resource advisory committee must submit Title II project proposals to the Secretary concerned are identical.

It is expected that counties and resource advisory committees will come to an agreement on the projects that will be proposed to the Secretary concerned in advance of the September 30 deadline for each fiscal year. However, it is also understood that, in some cases, this deadline will not be met. It is for this reason that language has been included under section 207(b) allowing unobligated project funds from one fiscal year to be rolled over for use in the subsequent fiscal year. Thus, if agreement between the participating county and resource advisory committee is not reached by the conclusion of a fiscal year, the county may defer its election regarding the use of such funds to the subsequent fiscal year. A resource advisory committee may not, under any circumstance, propose a project to the Secretary concerned over the objection of the participating county.

Section 204(e)(3) establishes a pilot program for the implementation of projects involving merchantable material. The central concept tested in this pilot program, as identified in paragraph 3(A), is the use of separate contracts for the removal and sale of such material.

This provision purposely does not specify how merchantable material shall be handled or transported between removal and sale. This provides maximum flexibility to federal resource managers and private contractors to innovate in ways that will minimize costs and optimize efficiencies while meeting desirable resource management objectives. It is expected, for example, that federal managers will work with private contractors to develop creative ways to minimize transportation and other transactional costs associated with the contracts. It is also expected that implementation of the pilot program will not create market competition between the Secretary and the private sector in markets for the sale and use of merchantable materials.

It is intended that the Secretary concerned will implement this pilot program, to the extent practicable, on a voluntary basis. The Secretary should first include projects in the pilot that have been requested for inclusion by resource advisory committees. The Secretary concerned should not require a project to be included in the pilot program over the objection of a resource advisory committee or participating county if inclusion is not necessary to meet the percentage requirements of the pilot or if other projects that would not draw objections from resource advisory committees are available for inclusion.

The annual percentage requirements provided under paragraph 3(B) requires only that a fixed percentage of all projects involving merchantable material be included in the pilot program for a given fiscal year. This provision is purposefully silent on the size and cost of projects to be included in the pilot. It is intended that the Secretary will, to the extent practicable, limit the pilot program to projects that are smaller in scope in order to test the premises of the pilot with minimal impact on other projects involving merchantable material carried out under Title II.

Paragraph 3(E) authorizes the Secretary concerned to use funds from any appropriated account, not to exceed $1 million annually, to administer projects under the pilot program. It is intended that the Secretary use this authority only to the extent that it does not reduce or otherwise interfere with program delivery within the accounts from which such funds are taken.

Section 204(e)(3)(E) requires the Comptroller General to review the pilot program and report to Congress on its effectiveness. It is intended that such report will be the basis for determining whether the pilot program should continue. Should the Comptroller General find that the program is not performing efficiently, that it is creating market competition between the government and the private sector, that is hindering the successful planning or implementation of projects, or that it is deterring resource advisory committees from proposing projects involving merchantable material, it is expected that the program will be terminated.

Section 205 establishes resource advisory committees to assist counties in the selection and proposal of projects under Title II and Title III. Because the success of each advisory committee will depend largely on the cooperation of its members, it is expected that the Secretary will appoint to resource advisory committees only individuals who have a demonstrated ability to work collaboratively with others of differing viewpoints and achieve good faith compromise. It is strictly contrary to the intent and purposes of this Act for the Secretary concerned to appoint to a resource advisory committee any individual who will likely act in a dilatory manner so as to impede the ability of the resource advisory committee to propose projects to the Secretary concerned or carry out any of its responsibilities as provided in this Act.

It is the intent of the House sponsors that members of resource advisory committees be selected from within local communities. Section 205(d)(4) provides that ''the Secretary shall ensure local representation in each category'' of membership within a resource advisory committee. It is expected that, with rare exception, members of resource advisory committees will be selected from among the residents of the eligible counties within which the committee will operate. The Secretary concerned should not appoint non-local individuals to resource advisory committees when local individuals who represent the same viewpoint or interest and meet the requirements for membership are available.

It is expected that the Secretary concerned will established a sufficient number of resource advisory committees to facilitate involvement and collaboration at the most local level possible. It would be inappropriate and contrary to the intent of this Act for the Secretary concerned to establish one resource advisory committee for an entire state. Rather, the Secretary concerned should establish resource advisory committees at the eligible county level to the extent practicable. The Secretary concerned may establish a resource advisory committee to serve more than one eligible county, where circumstances require it (for example, if several small counties border a single unit of the national forest system), but the Secretary concerned should exercise restraint in this regard and make every effort to establish the committee at the most local level possible.

Title III of the bill establishes a separate class of projects to that provided in Title II. Title III projects require approval by the participating county only to the extent that they do not involve management activities on federal lands that would normally be conducted by the Secretary concerned. It is understood and expected that some of the projects arising under Title III will involve activities on federal lands and require cooperation with and approval from the Secretary concerned. For example, fire prevention and county planning efforts provided under section 302(b)(5) may be conducted in cooperation with federal efforts to reduce wildfire risk in the wildland-urban interface. It would be appropriate in this case for a county to leverage county funds against federal funds allocated to do the project planning and NEPA analysis required for forest thinnings and other forms of vegetation management. This kind of cooperation would necessarily require approval from the Secretary concerned in addition to approval by the county for the use of county funds.

Finally, section 403 of Title IV provides that the Secretaries concerned may jointly issue regulations to carry out the purposes of this Act. It is not the intent of the House sponsors that regulations are necessary to carry out the provisions of this Act. However, they might be helpful in some cases. It would be contrary to congressional intent for the Secretary concerned to delay implementation of any provisions of this act because the Secretary has not completed a rule-making process addressing the implementation of such provision.